

UNITED STATES DISTRICT COURT

for the
District of New MexicoIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Facebook Account of Elite Warrior Armament, as is
further described in Attachment A

Case No.

19-mr-1266

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT 18 2019

MITCHELL R. ELFERS
CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein by reference.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm
18 U.S.C. § 922(a)(1)(A)	Manufacturing Firearms without a License

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☒ Delayed notice of 45 days (give exact ending date if more than 30 days: 12/02/2019) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

ATF Special Agent Earl A. Wozniak

Printed name and title

Sworn to before me and signed in my presence.

Date: 10-18-19

Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF EARL A WOZNIAK

I, Earl A. Wozniak, a Special Agent ("SA") with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), being first duly sworn, depose and say:

AFFIANT BACKGROUND

I am a Special Agent (SA) with the Bureau of Alcohol Tobacco Firearms and Explosives (ATF) and have been so employed since September 1, 2013, and am currently assigned to the Albuquerque, New Mexico Field Office.

I am a graduate of the Federal Law Enforcement Training Center, where I completed ATF Special Agent Basic Training and the Criminal Investigator Training Program.

Prior to my employment with ATF, I was a Police Officer with the Dallas Police Department, Dallas, TX, for three years. I am a graduate of Marquette University where I received a Bachelor of Science in Accounting in 2010. I have received training in the recognition, identification and testing of controlled substances as well as in common methods of trafficking in narcotics. I have participated in surveillance and interdiction operations at known drug locations and have made numerous arrests for drug related crimes. I have further received training in firearms trafficking and the diversion of legal firearms for unlawful purposes, participated in the investigation of many crimes of violence, including robberies, assaults, and homicides, and made numerous arrests for firearms and violent offenses. As a result of my training and experience, I have an understanding of the manner in which narcotics are distributed and various roles played by individuals or groups involved in the distribution, along with the unlawful use of firearms during crimes of violence and/or drug trafficking and firearms trafficking.

INTRODUCTION AND PURPOSE OF AFFIDAVIT

I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. The affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the Government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

I submit this affidavit in support of a search warrant to search the following place, located at:

Facebook Inc.
Attn: Security Department/Custodian of Records
1601 S. California Avenue
Palo Alto, CA 94304
FAX number (650) 644-3229

For the facebook.com webpage described as:

Facebook URL: <https://www.facebook.com/elitewarriorarmament/>

Facebook User Name: Elite Warrior Armament

For evidence of violations of 18 USC Section 922(g)(1) – Felon in Possession of a Firearm, and 18 USC Section 922(a)(1)(A) – Manufacturing Firearms without a License:

1 I seek authorization to seize the items described in Attachment B which is
2 incorporated by reference.

3
4 I am familiar with the information contained in this Affidavit based upon the
5 investigation that I have conducted, based on my conversations with other law
6 enforcement officers or industry operations investigators who have engaged in various
7 aspects of this investigation, and based upon my review of reports written by other law
8 enforcement officers involved in this investigation. Because this Affidavit is being
9 submitted for the limited purpose of securing a search warrant, I have not included each
10 and every fact known to me concerning this investigation. I have set forth only those
11 facts that I believe are relevant to determination of probable cause to support the issuance
12 of the requested warrant. When the statements of others are set forth in this Affidavit,
13 they are set forth in substance and in part.

14
15 Based on my training and experience and the facts set forth in this affidavit, there is
16 probable cause to believe that violations of 18 U.S.C. §§ 922(g)(1) and 924, felon in
17 possession of a firearm, and 18 U.S.C. § 922(a)(1)(A), manufacturing a firearm without a
18 license, have been committed by Chuck Warner. There is also probable cause to search
19 the information described in Attachment A for evidence of those crimes as described in
20 Attachment B.

21
22 **SUMMARY OF PROBABLE CAUSE**

23
24 ***Identification of Chuck Warner***

1 On September 25, 2019, I received an email from a Federal Firearms Licensee (FFL)
2 operating in Rio Rancho. The tip referred me to Chuck Warner and the Elite Warrior
3 Armament Facebook page. The tip indicated that Warner was manufacturing firearms
4 under the business name "Elite Warrior Armament" Facebook page and the tipster
5 indicated Warner was a convicted felon.¹

6
7 On September 26, 2019, I reviewed the Elite Warrior Armament Facebook page and
8 determined that the phone number listed on the website as well as the home address
9 match the listed phone and home address information available for Charles Warner (YOB
10 1965). A review of Warner's criminal history indicates that he has two felony
11 convictions from South Carolina for *Breach of Trust with Fraudulent Intent, Value*
12 *greater than \$1,000* on September 16, 1996 and July 18, 2002. Warner was also arrested
13 and convicted of *Felon in Possession of a Firearm or Destructive Device* in New Mexico
14 in 2012. Warner pled guilty to one of the *Felon in Possession* counts and was sentenced
15 to probation. Upon satisfactory completion of probation, the actual *Felon in Possession*
16 conviction was removed in accordance with the plea agreement.

21 ***Online Marketing for Manufacturing Firearms***

22 In reviewing the Elite Warrior Armament Facebook page (the Location to be
23 Searched), I found it contains numerous images of firearms in various stages of
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27 ¹ While reviewing Elite Warrior Armaments Facebook, I noted disparaging comments about the FFL who provided
28 the tip to ATF. An Industry Operations Investigator familiar with the issue stated there is a long history of bad blood
between the two parties, including alleged criminal fraud and unlawful sexual contact with a minor family member
respectively. While the tip brought the current issue to ATF's attention, all facts contained herein are independently
sourced or corroborated and in no way rely on the reporting party for corroboration.

1 manufacture from basic frames to completed firearms. In the past approximately six
2 months, numerous posts suggesting current and ongoing firearms manufacturing, sales,
3 and unlawful possession by Warner were noted. The most recent post regarding such
4 activity was dated September 15, 2019, stated: "So it begins again... there is a build off a
5 foot...again. This time it will be Shay Akai and Chuck Warner building two very radical
6 5" 9mm single stacks. The design parameters are being established, then it's off to the
7 races!" The post was complemented by an image of two firearms. Additionally, the
8 words Chuck Warner linked to Warner's personal Facebook page. An old photograph on
9 that page of a white male bears a strong resemblance to the driver's license photo of
10 Charles Warner.
11

12
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14 Another post on April 24, 2019, announced a build or production run of other firearms
15 with a target completion date of August or September, presumably of 2019, with a phone
16 number of (505) 227-7962 listed, which is the number available databases show belongs
17 to Warner.
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A post on March 6, 2019, advertised 15 of 50 firearms being produced were still available:

Elite Warrior Armament
March 6 · 🌐

There are 15 of 50 Standard production left.
I will open the list for deposits on those.
As most of you know, I quit taking deposits last fall when I committed to the new frame mold. Having a closely definitive time of April for the molds completion, I'm comfortable going forward again.
To avoid the boondoggle that occurred last time, I can ONLY be contacted via E mail, or phone for these. You will be assigned a number when your deposit is received, not when you commit to it.
When the mold is completed , it will go straight to production, And the frames will be started. I will advise all of you timeframe for that step when it happens.

Chuck Warner
505-227-7962
Cwvinabq@gmail.com

Thanks again for your continued support!



... Ask Elite Warrior Armament

"Is anyone available to chat?" [Ask](#)

"I have a question. Can you help?" [Ask](#)

Type a question... [➔](#)

Community [See All](#)

👍 3,483 people like this

👤 3,585 people follow this

About [See All](#)

📍 1512 Golf Course Rd
Rio Rancho 87124

📞 5052277962

⌚ Typically replies within a day
[Send Message](#)

🏢 Company

✎ Suggest Edits

Page Transparency [See More](#)

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

📅 Page created - October 1, 2014

The acceptance of deposits for individuals who are interested in the firearms depicted, along with the frames of several such firearms, set against a backdrop of what appears to be a blueprint reflects the intent to manufacture and distribute the firearms. However, under federal law, a firearm is defined as, among other things, the frame or receiver of a firearm. (See 18 U.S.C. § 921(a)(3)(B)) The picture depicted appears to show numerous firearm frames, all of which are in and of themselves firearms and unlawful to possess by a convicted felon.

Historical Investigation by ATF Industry Operations Regulators

I spoke with David Rodriguez, an ATF Industry Operations Investigator (IOI) responsible for FFL licensure, compliance inspections, and background investigations.

Rodriguez informed me that based upon his professional experience with Warner in his capacity as an IOI, he has dealt with Mr. Warner on numerous occasions.

Elite Warrior Armaments obtained a license to manufacture and deal firearms in Rio Rancho, NM and opened a store front at 1511 Golf Course Road, Rio Rancho, NM. As a Federal Firearms Licensee, Elite Warrior Armaments is obliged to follow the firearms laws as enacted by Congress and the state of operation, and the regulations set forth by ATF.

As Elite Warrior Armaments was a licensed manufacturer and dealer of firearms, it was correspondingly subject to periodic inspection by Industry Operations Investigators at ATF. Elite Warrior Armaments had several listed responsible parties on its license, none of which was Chuck Warner. However, Warner was deeply involved in the business and was determined to be acting as a silent partner by IOI's. So much so, that eventually Elite Warrior Armaments was cited for numerous violations related to having a felon involved with an FFL and subsequently had their license to manufacture and deal firearms revoked. In that 2016 inspection, it was determined that Mr. Warner was conducting gunsmithing activities and mailing firearms throughout the United States.

Mr. Warner was not listed as a Responsible Person on the Elite Warrior Armament FFL because, in Warner's own words, there were issues with his passing a background check.

KE
E.A.W.

on November 21, 2017. The revocation was not contested and license went inactive January 24, 2018.

1 On several previous occasions, beginning on March 31, 2015, Elite Warrior
2 Armament's Responsible Parties were notified in writing that Warner was a convicted
3 felon; this notice was acknowledged in writing. Additionally, on February 12, 2016, after
4 previously being warned and observed to continue handling firearms, Warner was issued
5 a cease and desist letter ordering him to stop any activity on behalf of the FFL related to
6 firearms and to stop handling firearms; this warning was acknowledged by Warner in
7 writing.
8

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10 By November of 2016, most of the original responsible parties (RP) on the Elite
11 Warrior Armaments FFL had left the business and removed themselves from the license
12 and LLC. One former RP, RP-1, stated they could not get Warner to follow the rules
13 regarding his not possessing or accessing firearms, and further stated they had no control
14 because Warner had access to the shop after hours. They wanted to close the company
15 because Warner was clearly not pursuing a pardon from South Carolina as he stated to his
16 partners he was doing.
17

18
19 An interview conducted with D.B., a new employee of Elite Warrior Armament, in
20 November of 2016 during the inspection by ATF, indicated Warner was still possessing
21 and manipulating firearms. D.B. specifically provided information that Warner worked
22 with firearms, had access to firearms, and frequented a gun range to shoot firearms. D.B.
23 stated Warner had access to every firearm on the premises. Shortly after this
24 conversation, D.B. was chastised for providing too much information and later terminated
25 from employment at Elite Warrior Armaments.
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1 Because of the numerous infractions associated with knowingly providing a felon
2 access to firearms, the FFL for Elite Warrior Armament LLC was revoked by ATF.
3
4 However, the entire process clearly underscores the knowing, intentional, and flagrant
5 nature of Warner's continued involvement in the manufacture, dealing, and possession of
6 firearms, despite repeated attempts to prevent him from doing so, numerous warnings
7 from ATF, and indeed even another felony conviction (later vacated for adequate service
8 of probation) for Warner in New Mexico.
9

10 The information reflected on Warner's Elite Warrior Armament Facebook page
11 reflects the continuing pattern of manufacturing, dealing, and possessing firearms by
12 Warner. The recent nature of the posts indicates that this pattern of activity is continuing
13 at present. Accordingly, ATF Special Agents initiated a criminal investigation into the
14 actions of Warner.
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17 ***Undercover Conversations with Chuck Warner***

18 Special Agent Sam Supnick, operating in an undercover (UC) capacity, initiated a
19 phone conversation with Warner at the number provided at Elite Warrior Armaments on
20 October 7, 2019. All UC contacts were recorded. Warner answered the phone and
21 identified himself as "Chuck." He stated in sum and in substance he had one more
22 "Standard Grade 1911" available in January, but that would be the last Elite Warrior
23 Armament (EWA) firearm. Warner stated he was finishing up EWA firearms and
24 winding down the company; he also stated he was working on personal projects,
25 understood to also refer to firearms in the context of the conversation. Warner referred
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1 SA Supnick to look at the two-tone "Elite Classic" 1911 style firearms on his Facebook
2 page (the location to be searched), and later texted SA Supnick a picture from his
3 Instagram and Facebook accounts to show him the firearm. SA Supnick said he would
4 look at the firearm and get back to Warner soon.
5

6 On October 8, 2019, SA Supnick again spoke with Warner at his listed phone number.
7 Warner provided the following information, in sum and in substance during his call with
8 the UC Agent Supnick. Warner stated he has built 50-60 firearms, some of which are
9 still being sold by local dealers. He also has 'personal project' firearms he and 'Travis'
10 are working on.
11

12 Warner told UC Supnick he would not take deposit money at the moment because he
13 couldn't be sure of the firearm production time, but would likely be able to make another
14 Elite Classic two tone 1911 for UC Supnick. Throughout the conversation, Warner
15 provided additional information about his work, which he repeatedly referred to as "my
16 guns." He said he uses a basic chassis (frame) which he purchases from a frame maker
17 because manufacturing frames is not cost effective. The frames of Elite Warrior
18 Armaments firearm's when it was operating under license were imported from Florida
19 and Texas, according to IOI Rodriguez. As the frame or receiver of a firearm is a firearm
20 under federal law, this creates an interstate nexus for federal jurisdiction. Additionally,
21 pictured models of firearms depict Colt slides and other accessories which may have
22 traveled in or affected interstate commerce.
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1 Warner stated he uses the best of every component in his guns and is going to start a
2 “Bren 10” project, which may or may not be located in New Mexico. Warner stated New
3 Mexico was not very gun friendly. During the conversation, Warner made statements
4 indicating his intention to continue to possess, manufacture, and distribute firearms,
5 including phrases such as, “eventually when I am building them [firearms] again...” and
6 “I’m going to build them anyway...” and referenced having several additional ‘personal
7 projects.’
8

9
10 *Additional Observations of Ongoing Criminal Activity*
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12 Warner’s listed residence – 1512 Golf Course Road – was the subject of ATF SA’s
13 Supnick and Du Bois surveillance on October 8, 2019. A tan Chevrolet Suburban
14 bearing New Mexico plate: 958RLM and a black motorcycle bearing New Mexico plate:
15 8541A were observed in the driveway. I queried these plates and received a return
16 indicating they were both registered to Chuck Warner at 1512 Golf Course Rd SE, Rio
17 Rancho, NM.
18

19 Additionally, Warner is listed as living at this address in available databases, and has
20 been associated with this address for several years. Industry Operations Investigator
21 David Rodriguez was aware that Warner resided (1512 Golf Course Road SE) across the
22 street from Elite Warrior Armaments (1511 Golf Course Road SE), and upon revocation
23 of the Elite Warrior Armament FFL, observed manufacturing equipment from EWA at
24 Warner’s residence.
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1 Rodriguez drove past the Warner residence frequently in the course of his duties as an
2 IOI, and provided a statement to me saying: between December of 2017 and August of
3 2019, Rodriguez drove by the residence of Warner frequently and observed what
4 appeared to be manufacturing equipment outside his residence garage which appeared to
5 be the same or similar equipment observed at Elite Warrior Armaments.
6

7
8 Lastly, I reached out to the South Carolina Department of Probation, Parole, and
9 Pardon regarding the claim Warner allegedly made he was seeking a pardon. I received a
10 letter in response affirming Warner has not been granted any pardons for his felony
11 offenses in in South Carolina.
12

13 **FACEBOOK SPECIFIC FACTS**

14 Though my own direct experience using the webpage www.Facebook.com and
15 through my previous contact with Facebook during law enforcement investigations,
16 which included the service of search warrants on Facebook accounts, I know the
17 following:
18

19
20 1. Facebook owns and operates a free-access social networking website of the same
21 name that can be accessed at <http://www.facebook.com>. Facebook allows its users to
22 establish accounts with Facebook, and users can then use their accounts to share written
23 news, photographs, videos, and other information with other Facebook users, and
24 sometimes with the general public.
25

26 2. Facebook users typically create personal profiles using photos of themselves and
27 names or nicknames their friends and family know. This permits friends and family to
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1 find the user's Facebook account. Facebook asks users to provide basic contact
2 information to Facebook, either during the registration process or thereafter. This
3 information may include the user's full name, birth date, contact e-mail addresses,
4 physical address (including city, state, and zip code), telephone numbers, screen names,
5 websites, and other personal identifiers. Facebook also asks users, when establishing a
6 Facebook account, to create a password for that account. The password, known only to
7 the person who created the account (and anyone to whom s/he gives the password) limits
8 access to the account such that only someone with the password can change things such
9 as profile details and profile photographs. Only a person who has logged into the account
10 with a password can post on the "wall" under the identity of the account owner. I know
11 from training and experience that Facebook users rarely share the password to their
12 accounts. There is little purpose in sharing passwords, because anyone whom the
13 account owner permits can post messages on the user's "wall." Use of the term
14 "subscriber originated" in this document refers to any action on or in connection with the
15 designated Facebook account that was taken by someone who has logged into the account
16 as the subscriber. The dates associated with Facebook entries, as well as the date shown
17 for the last time the account was accessed by the subscriber, are generated by the
18 Facebook software program, and cannot be manipulated by the account subscriber.
19 Facebook also assigns a user identification number to each account.

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26 3. Facebook users can select different levels of privacy for the communications and
27 information associated with their Facebook accounts. By adjusting these privacy
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1 settings, a Facebook user can make information available only to himself or herself, to
2 particular Facebook users, to all Facebook users, or to anyone with access to the Internet,
3 including people who are not Facebook users. Facebook accounts also include other
4 account settings that users can adjust to control, for example, the types of notifications
5 they receive from Facebook.
6

7
8 4. Facebook users may join one or more groups or networks to connect and interact
9 with other users who are members of the same group or network. A Facebook user can
10 also connect directly with individual Facebook users by sending each user a "Friend
11 Request." If the recipient of a "Friend Request" accepts the request, then the two users
12 will become "Friends" for purposes of Facebook and can exchange communications or
13 view information about each other. Each Facebook user's account includes a list of that
14 user's "Friends" and a "News Feed," which highlights information about the user's
15 "Friends," such as profile changes, upcoming events, and birthdays.
16

17
18 5. Facebook users can create profiles that include photographs, lists of personal
19 interests, and other information. Facebook allows users to upload photos and video,
20 which may include any metadata such as location that the user transmitted when s/he
21 transmitted the photo or video. Facebook users can also post "status" updates about their
22 whereabouts and actions, as well as links to videos, photographs, articles, and other items
23 available elsewhere on the Internet. Facebook users can also post information about
24 upcoming "events," such as social occasions, by listing the event's time, location, host,
25 and guest list. A particular user's profile page also includes a "Wall," which is a space
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1 where the user and his or her "Friends" can post messages, attachments, and links that
2 will typically be visible to anyone who can view the user's profile. Each Facebook
3 account has an activity log, which is a list of the user's posts and other Facebook
4 activities from the inception of the account to the present. The activity log includes
5 stories and photos that the user has been tagged in, as well as connections made through
6 the account, such as "liking" a Facebook page or adding someone as a friend. The
7 activity log is visible to the user but cannot be viewed by people who visit the user's
8 Facebook page.

11 6. Facebook has a Photos application, where users can upload an unlimited number
12 of albums and photos. Another feature of the Photos application is the ability to "tag"
13 (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or
14 video, he or she receives a notification of the tag and a link to see the photo or video. For
15 Facebook's purposes, a user's "Photoprint" includes all photos uploaded by that user that
16 have not been deleted, as well as all photos uploaded by any user that have that user
17 tagged in them. When a digital photo is taken, oftentimes it will have information about
18 when and where it was taken, as well as other information on its genesis, imbedded into
19 the digital file. That information is called Exchangeable image file format or EXIF
20 information. While Facebook "scrapes" such information off of photos before placing
21 them onto a page, the original photos still contain that information.

22 7. Facebook users can exchange private messages on Facebook with other users.
23 These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox"
24

1 on Facebook, which also stores copies of messages sent by the recipient, as well as other
2 information. Facebook users can also post comments on the Facebook profiles of other
3 users or on their own profiles; such comments are typically associated with a specific
4 posting or item on the profile.
5

6 8. Facebook Notes is a blogging feature available to Facebook users, and it enables
7 users to write and post notes or personal web logs ("blogs"), or to import their blogs from
8 other services, such as Xanga, LiveJournal, and Blogger.
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10 9. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that
11 appear as icons on the recipient's profile page. Gifts cost money to purchase, and a
12 personalized message can be attached to each gift. Gift purchases may be made out of an
13 attached account. Facebook users can also send each other "pokes," which are free and
14 simply result in a notification to the recipient that he or she has been "poked" by the
15 sender.
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18 10. Facebook also has a Marketplace feature, which allows users to post free classified
19 ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.
20 These adds will typically include contact information for the poster.
21

22 11. In addition to the applications described above, Facebook also provides its users
23 with access to thousands of other applications on the Facebook platform. When a
24 Facebook user accesses or uses one of these applications, an update about that the user's
25 access or use of that application may appear on the user's profile page.
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1 12. Facebook uses the term “Neoprint” to describe an expanded view of a given user
2 profile. The “Neoprint” for a given user can include the following information from the
3 user’s profile: friend lists; groups and networks of which the user is a member; “News
4 Feed” information; “Wall” postings; “Notes”; status updates; links to videos,
5 photographs, articles, and other items; event postings; rejected “Friend” requests;
6 comments; gifts; pokes; tags; and information about the user’s access and use of
7 Facebook applications.
8

9
10 13. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP
11 address. These logs contain information about the actions taken by the user ID or IP
12 address on Facebook, including information about the type of action, the date and time of
13 the action, and the user ID and IP address associated with the action. For example, if a
14 user views a Facebook profile, that user’s IP log would reflect the fact that the user
15 viewed the profile, and would show when and from what IP address the user did so.
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17
18 14. Social networking providers like Facebook typically retain additional information
19 about their users’ accounts, such as information about the length of service (including
20 start date), the types of service utilized, and the means and source of any payments
21 associated with the service (including any credit card or bank account number). In some
22 cases, Facebook users may communicate directly with Facebook about issues relating to
23 their account, such as technical problems, billing inquiries, or complaints from other
24 users. Social networking providers like Facebook typically retain records about such
25 communications, including records of contacts between the user and the provider’s
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1 support services, as well records of any actions taken by the provider or user as a result of
2 the communications.

3
4 15. Therefore, the computers of Facebook are likely to contain all the material just
5 described, including stored electronic communications and information concerning
6 subscribers and their use of Facebook, such as account access information, transaction
7 information, and account application. This information may provide crucial evidence of
8 the “who, what, why, when, where, and how” of the criminal conduct under
9 investigation, thus enabling the United States to establish and prove each element or
10 alternatively, to exclude an innocent from further suspicion. In my training and
11 experience, a Facebook user’s IP log, stored electronic communications, and other data
12 retained by Facebook, can indicate who has used or controlled the Facebook account.
13 This “user attribution” evidence is analogous to the search of “indicia of occupancy”
14 while executing a search warrant at a residence.

15
16 16. The company that operates Facebook.com is Facebook, Inc.

17
18 Facebook has established a contact address for Law Enforcement and has asked law
19 enforcement to serve warrants either by using their fax number, or by using a website that
20 Facebook has set up for use of law enforcement. The address and fax number are:

21
22 Facebook, Inc.
23 Attn: Security Department/Custodian of Records
24 1601 S. California Avenue
25 Palo Alto, CA 94304
26 FAX number (650) 644-3229
27

28 **Explanation of the Internet and Internet related terms.**

1 When an individual communicates through the Internet, the individual leaves an
2 Internet Protocol (IP) address which identifies the individual user by account and Internet
3 Service Provider (ISP). An IP address, together with the date and time of a
4 communication is unique to each communication. IP addresses are assigned to Internet
5 Service Providers who in turn assign specific addresses to individual users.
6

7 Internet Service Providers and others who are assigned ranges of IP addresses
8 typically maintain a record of their sub-assignment of individual IP addresses to
9 individual users. When such records are maintained it is possible to identify the specific
10 account associated with the use of a particular IP address at a specific date and time, and
11 the specific physical computer and location from which the communication is
12 transmitted.
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17 Based on the above, I believe that evidence of the above listed crime(s) is/are located at:

18 Facebook Inc.
19 Attn: Security Department/Custodian of Records
20 1601 S. California Avenue
21 Palo Alto, CA 94304
22 FAX number (650) 644-3229

23 For the facebook.com webpage described as:

24 Facebook URL: <https://www.facebook.com/elitewarriorarmament/>

25 Facebook User Name: Elite Warrior Armament
26

27 I anticipate executing this warrant under the Electronic and Communications Privacy
28 Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the

1 warrant to require Facebook to disclose to the Government copies of the records and
2 other information (including the content of communications) particularly described in
3 Attachment B.
4

5 **REQUEST FOR DELAYING NOTICE**

6 I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal
7 Procedure 41(f)(3), that the Court authorize the officer executing these warrants to delay
8 notice until 45 days after the collection authorized by these warrants has been completed.
9
10 The basis for the 45 day request delaying notification until December 2, 2019, is a
11 statement Warner made to UC SA Supnick indicating he is manufacturing firearms, 'in
12 November.' This delay is justified because there is reasonable cause to believe that
13 providing immediate notification of these warrants may have an adverse result, as defined
14 in 18 U.S.C. § 2705. Based upon my knowledge, training, and experience, it is my belief
15 that providing immediate notice to subscriber or user of the subject Facebook account
16 may result in premature notification of any potential suspect(s), or the ongoing
17 investigation. Disclosure could jeopardize the continuation and efficacy of the
18 investigation. Furthermore, premature notification to users of the Facebook Account
19 Elite Warrior Armament would provide any suspect(s) the opportunity to destroy
20 evidence and flee the jurisdiction. See 18 U.S.C. § 3103a(b)(1). As further specified in
21 Attachment A, which is incorporated into this warrant, the proposed search warrant does
22 not authorize the seizure of any tangible property. See 18 U.S.C. § 3103a(b)(2).
23
24 Moreover, to the extent that this warrant authorizes the seizure of any wire or electronic
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1 communication (as defined in 18 U.S.C. § 2510) or any stored wire or electronic
2 information, there is reasonable necessity for the seizure for the reasons set forth above.

3 See 18 U.S.C. § 3103a(b)(2).
4

5 **REQUEST FOR SEALING**


6 I further request this Court issue an order sealing, until further order of the Court, all
7 papers submitted in support of the requested search warrants, including the application,
8 this affidavit, the attachments, and the requested search warrants. I believe sealing these
9 documents is necessary because the information to be seized is relevant to an ongoing
10 investigation, and any disclosure of the information at this time may cause the culpable
11 person(s), or others associated with the culpable person(s) to flee from prosecution, cause
12 destruction of or tampering with evidence, or otherwise seriously jeopardize this
13 investigation. Premature disclosure of the contents of the application, this affidavit, the
14 attachments, and the requested search warrants may adversely affect the integrity of the
15 investigation.
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20 **CONCLUSION**

21 Based upon the foregoing facts and circumstances, I submit there is probable cause to
22 believe that Warner currently uses the Facebook page "Elite Warrior Armament" to
23 facilitate criminal activity and that Warner is possessing, manufacturing, and engaging in
24 the business of dealing firearms contrary to the provisions of Title 18, United States
25 Code, Section 922(g)(1) and Title 18, United States Code, Section 922(a)(1)(A)
26 respectively. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer
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1 is not required for service or execution of this warrant. The Government will execute this
2 warrant by serving it on Facebook. Because this warrant will be served on Facebook,
3 who will then compile the requested records at a time convenient to it, reasonable cause
4 exists to permit the execution of the warrant at any time in the day or night. I submit
5 there is probable cause to search the Facebook business account Elite Warrior Armament
6 belonging to Chuck Warner as described in Attachment A for the fruits and
7 instrumentalities of unlawful firearms possession and manufacturing, as described in
8 Attachment B.
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14 Respectfully submitted,

15 
16 _____

17 Earl A. Wozniak
18 Special Agent
19 Bureau of Alcohol, Tobacco, Firearms and
20 Explosives

21 The above-named agent provided a sworn statement attesting to the truth of the
22 contents of the foregoing affidavit on 18 day of October, 2019.

23 
24 _____

25 United States Magistrate Judge
26
27
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Attachment A

Location to be Searched:

Facebook Inc.
Attn: Security Department/Custodian of Records
1601 S. California Avenue
Palo Alto, CA 94304
FAX number (650) 644-3229

For the facebook.com webpage described as:

Facebook URL: <https://www.facebook.com/elitewarriorarmament/>

Facebook User Name: Elite Warrior Armament

Attachment B

The items to be seized are the following items or materials that may contain evidence of the commission of, the fruits of, or property which has been used as the means of committing federal criminal violations of Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 922(a)(1)(A):

1. **Basic Subscriber Information** (BSI) including User Identification Number, name, postal code, country, email address, Date and Time stamp of account creation date displayed in GMT, IP address at account sign-up, Logs in GMT showing IP addresses and date, time stamp in GMT, Most recent Logins in GMT, Registered telephone numbers, Verification on whether publicly viewable;
2. **User Neoprint** (Expanded Subscriber Content and user profile), including but not limited to profile contact information (name, birth date, contact e-mail address, physical address, telephone numbers), mini-feed, status update history, shares, notes, wall postings, friend listings with Friends Facebook ID's, group listings with Facebook Group IDs, future and past events, and video listings with filename;
3. **User posts** such as wall posts, regardless whether the messages are retained in their original location or have been moved by the user to other folders including trash;
4. **User Photoprint** (all photos uploaded by the user and all photos uploaded by any user which have the above-mentioned user "tagged" in them), for the listed

1 Facebook.com user identifications, photos should be in their original form,
2 including EXIF information;
3

4 5. **Internet Protocol ("IP") Logs** including IP addresses assigned to the user at the
5 time the user accesses his/her profile and the date and time of each log-in;
6

7 6. **Private Messaging** such as the contents of messages in the user's inbox, sent or
8 received, regardless whether the messages are retained in their original location or
9 have been moved by the user to other folders including trash;
10

11 7. **Deleted Content** including but not limited to mini-feed, status update history,
12 shares, notes, wall postings, friend listing, group listing, future and past events,
13 video listings, photographs and private messaging;
14

15 8. **Records identifying other persons** with whom this user communicated, including
16 those users basic user identity information, as described above;
17

18 9. **User Account information** for associated accounts including PayPal or other
19 payment options.
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